In the High Court of Uttaranchal at Nainital.

Criminal Revision No. 59/2001
(Old No. 675 of 1987)

Mohammad Ahsan S/o Iqabal Ahmad
R/o Chamoli P.S. Chamoli District Chamoli ……Revisionist.
Vs.
State of U.P. …….Respondent.

Hon'ble Irshad Hussain, J.

Heard Sri R.P.Nautiyal learned counsel for the revisionist and Sri G.S. Sandhu learned A.G.A.

This is a criminal revision against the judgment and order dated 10-4-1987 passed by the Sessions judge, Chamoli in criminal appeal no. 4 of 1987. The said appeal was filed against the judgment dated 14-1-1987 passed by Chief Judicial Magistrate Chamoli whereby the revisionist was convicted and sentenced to undergo R.I. two years and also to pay fine of Rs. 2000/- under section 304-A I.P.C. In appeal the conviction was maintained. However the sentence awarded to the revisionist was modified and instead of R.I. two years he was sentenced to R.I. for nine months and to pay a fine of Rs. 1000/- instead of Rs. 2000/-.

Learned counsel for the revisionist has confined his argument mainly to the quantum of sentence awarded to the revisionist for commission of an offence punishable under section 304-A of the Indian Penal Code. The learned counsel submitted that it was a case of mere accident and that the ends of justice will be satisfied if the revisionist was to be sentenced to detention already suffered together with fine imposed against him. The revisionist had been sentenced to undergo R.I. for nine months and fine of Rs. 1000/- by the appellate court and considering the fact that the occurrence took place way back in the year 1985 and the revisionist has suffered great agony and pain in facing the trial and court proceedings till today it will be in the interest of justice if the sentence of imprisonment is reduced to the sentence already suffered and the fine imposed may be retained as part of the sentence against him.

In view of above the revision is partly allowed. The conviction of the revisionist under section 304-A I.P.C. is maintained but the sentence of imprisonment is modified to the sentence already suffered and to pay a fine of Rs. 1000/- (one thousand).

When the revision was admitted the prayer for stay of realization of fine was rejected and the learned counsel for the revisionist submitted that the fine in this case had been deposited. Therefore the record be consigned.

(Irshad Hussain, J.)

Date 23-3-2004

ISB